

public by the entities most qualified to do so, and treat equitably licensees that have invested millions of dollars to develop AVM systems for which they are licensed. The Commission has placed a very short construction period for licensees to retain grandfathered status. Consequently, only those technologies ready to be deployed will be able to take advantage of the grandfathering rules.

SBMS's objection to grandfathering is based largely on the fact that it delayed in submitting license applications and its thinly veiled concern that grandfathering encourages spectrum warehousing. This problem is easily addressed without eliminating grandfathering, however, by limiting the number of grandfathered systems per licensee to twenty-five BTAs, as Pinpoint stated in its Petition.⁶³

Moreover, as Pinpoint urged in its Petition, the Commission should modify its grandfathering provisions in certain limited respects to maximize competition among existing licensees and MTA licensees by allowing grandfathered licensees to: (1) build out within the BTAs in which they are licensed; (2) move their antenna sites after the construction deadline due to circumstances beyond their control; and (3) modify their licenses after the construction deadline to add additional mobiles, implement improvements in their systems, or facilitate sharing.⁶⁴

⁶³ Pinpoint at 15-16.

⁶⁴ Pinpoint at 13-17. Pinpoint concurs in principle with MobileVision that the current grandfathering provisions unduly restrict a licensee's ability to provide quality service to the public. MobileVision at 7. However, MobileVision's specific proposals unfairly favor licensees with a plethora of existing sites. *See id.* at 9. The modifications outlined above will further the public interest in the provision of a robust LMS marketplace, while not privileging one class of grandfathered licensees over another.

VI. SOUTHWESTERN BELL'S REQUEST TO USE 2 MHZ BUILDING BLOCKS FOR MULTILATERATION SYSTEMS SHOULD BE DENIED

Petitioner SBMS rehashes its arguments, made at length in multiple *ex parte* filings, that the Commission should adopt a band plan based on 2 MHz increments.⁶⁵ As amply demonstrated earlier in the record, however, the auctioning of all LMS spectrum in 2 MHz blocks would needlessly impede the competitive viability of small entrepreneurial LMS developers like Pinpoint.⁶⁶ These developers would encounter great difficulty aggregating sufficient bandwidth for efficient high capacity services. Indeed, a competing LMS provider could prevent or severely limit another provider's aggregation and service plans by bidding up the cost of the final 2 MHz needed to operate a high performance system.

While Pinpoint does not support the FCC's decision not to allocate an 8 MHz sub-band for sharing -- and seeks reconsideration on this matter⁶⁷ -- the Commission's multilateration LMS band plan is otherwise generally supported by a reasoned approach given the multiple and conflicting demands for the spectrum by LMS entities deploying divergent technologies. Revision of the band plan to better suit one petitioner's interests -- while handicapping all other providers -- plainly is not in the public interest. Accordingly, SBMS's request should be denied.

⁶⁵ SBMS at 5-6.

⁶⁶ See *Ex Parte* Letter of David E. Hilliard, Counsel for Pinpoint Communications, Inc. to William F. Caton (dated Jan. 19, 1995).

⁶⁷ Pinpoint at 3-13; see also Uniplex at 9.

VII. CONCLUSION

The record demonstrates that elevating the status of Part 15 relative to multilateration LMS licensees is a mistake that will come back to haunt the Commission and frustrate the timely and efficient provision of LMS service to the American public. Accordingly, the revisions to the FCC's rules suggested above should be adopted. In addition, there is unequivocal record support for a realistic, yet effective, emission mask. At the same time, the record provides little or no support for the expansion of the permissible uses of the band, abolition of the grandfathering rules, or a fundamental reworking of the entire multilateration LMS band plan to advantage a single LMS provider.

Respectfully Submitted,

PINPOINT COMMUNICATIONS, INC.

By: 

David E. Hilliard

Edward A. Yorkgitis, Jr.

Michael K. Baker

WILEY, REIN & FIELDING

1776 K Street, N.W.

Washington, D.C. 20006

(202) 429-7000

Its Attorneys

May 24, 1995

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of May, 1995, I caused copies of the foregoing "Opposition of Pinpoint Communications, Inc." to be mailed via first-class postage prepaid mail to the following:

Mr. George L. Lyon, Jr.
Lukas, McGowan, Nace
& Gutierrez, Chartered
1111 19th Street, N.W., Ste. 1200
Washington, D.C. 20036
Counsel for
AD HOC GAS DISTRIBUTION
UTILITIES COALITION

Ms. Theresa Fenelon
Pillsbury Madison & Sutro
1050 Connecticut Ave., N.W.
Suite 1200
Washington, D.C. 20036
Counsel for
AIR TOUCH TELETRAC

Mr. Christopher D. Imlay
Booth Freret & Imlay
1233 20th Street, N.W., Ste. 204
Washington, D.C. 20036
Counsel for
THE AMERICAN RADIO RELAY
LEAGUE, INC.

Mr. Lawrence J. Movshin
Wilkinson, Barker, Knauer & Quinn
1735 New York Avenue, N.W.
Washington, D.C. 20006
Counsel for
CELLNET DATA SYSTEMS, INC.

Mr. Gordon M. Ambach
Executive Director
Council of Chief State School Officers
One Massachusetts Ave., N.W.
Suite 700
Washington, D.C. 20001-1431
Counsel for
CONNECTIVITY FOR LEARNING
COALITION

Mr. Raymond B. Grochowski
Lathan & Watkins
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004
Counsel for
HUGHES TRANSPORTATION
MANAGEMENT SYSTEMS

Mr. Robert B. Kelly
Kelly & Povich, P.C.
1101 30th Street, N.W.
Suite 300
Washington, D.C. 20007
Counsel for
INTELLIGENT TRANSPORTATION
SOCIETY OF AMERICA

Mr. Allan R. Adler
Cohn and Marks
1333 New Hampshire Ave., N.W.
Suite 600
Washington, D.C. 20036
Counsel for
THE INTERAGENCY GROUP

Mr. Henry Rivera
Ginsburg, Feldman & Bress, Chtd.
1250 Connecticut Ave., N.W.
Washington, D.C. 20036
Counsel for METRICOM, INC. &
SOUTHERN CALIFORNIA EDISON
COMPANY

Mr. John J. McDonnell
Reed Smith Shaw & McClay
1200 18th Street, N.W.
Washington, D.C. 20036
Counsel for
MOBILEVISION, L.P.

Ms. Henrietta Wright
Goldberg, Godles, Wiener & Wright
1229 Nineteenth Street, N.W.
Washington, D.C. 20036
Counsel for
THE PART 15 COALITION

Mr. Daniel S. Goldberg
Goldberg, Godles, Wiener & Wright
1229 Nineteenth Street, N.W.
Washington, D.C. 20036
Counsel for
RAND MCNALLY & COMPANY

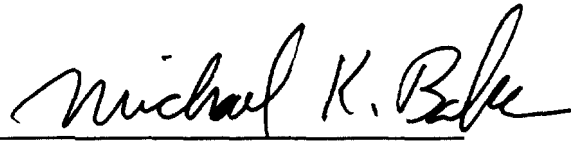
Mr. Glen Wilson
Vice President and
Chief Technology Officer
Safetran Systems Corporation
10855 7th Street
Rancho Cucamonga, CA 91730
Counsel for
SAFETRAN SYSTEMS
CORPORATION

Mr. Louis Gurman
Gurman, Kurtis, Blask
& Freedman, Chartered
1400 Sixteenth Street, N.W.
Suite 500
Washington, D.C. 20036
Counsel for
SOUTHWESTERN BELL MOBILE
SYSTEMS, INC.

Ms. Catherine Wang
Swidler & Berlin, Chartered
3000 K Street, N.W.
Suite 300
Washington, D.C. 20007
Counsel for
TEXAS INSTRUMENTS
INCORPORATED
MFS NETWORK TECHNOLOGIES,
INC.

Mr. Jeffrey L. Sheldon
General Counsel
1140 Connecticut Ave., N.W.
Suite 1140
Washington, D.C. 20036
Counsel for UTC

Mr. Hugh M. Pearce
President and CEO
Wireless Transactions Corporation
1183 Bordeaux Drive, Suite 22
Sunnyvale, CA 94089
Counsel for
WIRELESS TRANSACTIONS CORP.

A handwritten signature in black ink, reading "Michael K. Baker". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

Michael K. Baker

* Hand Delivered